

IN THE CHANCERY COURT OF JACKSON COUNTY, MISSISSIPPI

MIKE MOORE, ATTORNEY GENERAL, ex rel,  
STATE OF MISSISSIPPI TOBACCO LITIGATION

NO. 94-1429

DEPOSITION OF BUDDY MEDLIN

Deposition Taken at the Instance of  
the Tobacco Defendants  
at the Office of  
Pittman, Germany, Roberts & Welsh  
Jackson, Mississippi  
On January 13, 1996  
Commencing at 1:40 p.m.

REPORTED BY: CHERIE G. BOND  
Registered Merit Reporter  
CSR #1012

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APPEARANCES:

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## REPRESENTING PLAINTIFF

JOHN M. HELMS, ESQUIRE  
Susman Godfrey  
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## REPRESENTING PHILIP MORRIS

1 MR. PITTMAN: Let the record show this is  
2 a continuation of the deposition of Buddy Medlin  
3 taken on September 23rd, 1996, and that we'll have  
4 the same stipulation. I think you want Mr. Medlin  
5 to read and sign the deposition, and I would make  
6 the same comments I made with regard to Henry Turner  
7 with the production or the information that we have  
8 received this weekend which apparently appears to be  
9 Senator Ellis Bodron's, most of which -- well, take  
10 that back. It appears to be the file of the Tobacco  
11 Institute relating to lobbying activities in  
12 Mississippi, which I understand Senator Ellis Bodron  
13 was their lobbyist during the time frame that we're  
14 involved in with this litigation and are documents  
15 6214 through 6589, TIMS documents, and they start  
16 with September 12th, 1986. As I said, I've not had  
17 time to review all of them, but there will be some  
18 questions about those documents in addition to the  
19 other questions involved.

20 MR. HELMS: I'm sorry. I didn't mean to  
21 interrupt you. I couldn't tell when you were  
22 through.

23 MR. PITTMAN: Okay.

24 MR. HELMS: I want to say -- I think it's  
25 probably clear, but just so it's clear those are

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1 documents that the Tobacco Institute produced.

2 MR. PITTMAN: Yes, uh-huh. They are  
3 documents produced by the Tobacco Institute, which I  
4 got Friday afternoon at 3 o'clock, this past Friday,  
5 which was the 10th of January, 1997.

6 BY MR. PITTMAN:

7 Q All right. Mr. Medlin, you understand  
8 you're still under oath?

9 A Yes, sir.

10 Q

11 A

**REDACTED**

12

13

14 Q Okay. Going back to your deposition that  
15 was taken, which followed the deposition of  
16 Mr. Turner, there were some questions that we asked  
17 you about lobbying activities and conversations with  
18 various people. Have you personally and on behalf  
19 of any tobacco company had any contact with the  
20 governor's office or anyone on his staff concerning  
21 this litigation or any bills in the legislature in  
22 which you were lobbying on behalf of Philip Morris  
23 or some other client or tobacco client?

24 MR. HELMS: Let me object to that as  
25 compound and ask you to break it down.

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1 BY MR. PITTMAN:

2 Q You can break it down, if you understand.  
3 I want you to tell me whether or not you've had  
4 contact with the governor's office first regarding  
5 this litigation and second concerning any bills or  
6 pending legislation.

7 A I have not had any contact concerning the  
8 lawsuit. My instructions were that I was to stay  
9 away from that.

10 Q All right. Have you had any contact with  
11 the governor's office concerning any pending  
12 legislation?

13 A I cannot recall any particular piece of  
14 legislation that I would have.

15 Q All right. Have you -- when you say your  
16 instructions were to stay away from this  
17 legislation -- litigation, I mean, with the  
18 governor's office, from whom did you receive that?

19 MR. HELMS: Before you answer, let me --

20 (Short Pause)

21 A It was from Henry Turner, my immediate  
22 superior, boss.

23 BY MR. PITTMAN:

24 Q What did he tell you?

25 A That they have legal staff, legal people

1 that would handle the lawsuit.

2 Q Who had legal staff?

3 A I guess whoever they -- when I say "they,"  
4 I would assume it was Philip Morris, the tobacco  
5 industry.

6 Q All right. Did you know that the  
7 governor's office was going to intervene in the  
8 lawsuit?

9 A No, sir.

10 Q Have you had any contact with any lobbyist  
11 or employees or members of MEC or the MMC concerning  
12 this litigation?

13 A No, sir.

14 Q Did you know that they in any way had  
15 contributed funds to pay for the governor's attorney  
16 to bring this case?

17 A No, sir.

18 Q So you have had no discussions with  
19 anybody in that regard?

20 A No, sir.

21 MR. HELMS: Do you mean, no, you have not  
22 or, no, he's wrong?

23 A Are you still --

24 BY MR. PITTMAN:

25 Q I presume -- I meant you've had no --

1 you've had no -- the answer is you have had no  
2 contact.

3 A I did not discuss the litigation, no, sir.

4 Q Okay. What -- and you say you haven't  
5 recently discussed any tobacco issues with the  
6 governor's office.

7 A No, sir.

8 Q Have you talked with Mark Garriga about it  
9 at all?

10 A No.

11 Q Greg Hinkebein?

12 A No, sir.

13 MR. HELMS: Mr. Medlin, I need to ask you  
14 to make your answers loud enough so that we don't  
15 have a problem with the court reporter hearing you.

16 A Okay.

17 BY MR. PITTMAN:

18 Q Just to refresh my memory, I know you told  
19 me in your last deposition -- and I don't want to be  
20 repetitive at all but just to bring us up to date,  
21 how long did you say you have been lobbying for  
22 Philip Morris?

23 A I think I started in '88 or '89.

24 Q Do you have any other tobacco clients?

25 A No, sir.

1 Q Now, Mr. Bodron, as you know, or Senator  
2 Bodron, I should say, over the years has represented  
3 the Tobacco Institute. You understand that, do you  
4 not?

5 A Yes, sir.

6 Q And you were aware of that, weren't you?

7 A Yes, sir.

8 Q Can you tell me whether or not you worked  
9 together on some of the same bills?

10 A I do not know the exact bills other than  
11 maybe the ADAMHA and probably privacy that we would  
12 have had a common goal.

13 Q Okay. What about tax bills?

14 A I'm sure that we were in the same -- on  
15 the same side on those issues.

16 Q You and Senator Bodron would not have been  
17 on opposite sides where he represented the Tobacco  
18 Institute and you represented Philip Morris. Would  
19 that be fair to say?

20 A I would say that would be fair.

21 Q You don't know of any instance where you  
22 were, say, promoting a bill and he was on the --  
23 opposing it or he was opposing a bill and you were  
24 promoting it, do you?

25 A No, sir, not to my knowledge.



1 Q Do you understand that your client, Philip  
2 Morris, is a member of the Tobacco Institute?

3 A Yes, sir.

4 Q And do you understand also that your  
5 client is a member of the MEC and the Mississippi  
6 Manufacturers Association?

7 A I do know that they have made  
8 contributions and membership payments to them.

9 Q Does Philip Morris make its contributions  
10 to the legislature based on recommendations made by  
11 you?

12 A Pretty much.

13 Q You sort of make those decisions in  
14 Mississippi?

15 A I submit recommendations.

16 Q Now, I got some -- do you know Mr. Ron  
17 Morris of the Tobacco Institute?

18 A Yes, sir.

19 Q Where have you met him?

20 A I've met him through the years at various  
21 functions and seminars.

22 Q Has he been to Mississippi before?

23 A Yes, sir.

24 Q Where have you seen him in Mississippi?  
25 Where have you --

1           A     Oh, gosh, some function in Olive Branch, a  
2     DeSoto County deal or something like that several  
3     years ago that I was with him. I've seen him around  
4     the capitol.

5           Q     Does he actively lobby himself?

6           A     No, sir, not to my knowledge.

7           Q     When you say you had a function in Olive  
8     Branch, what was that? Do you recall?

9           A     I think it was DeSoto or Tate County or  
10    something. It's been several years ago.

11          Q     Have you seen him since then at various  
12    receptions?

13          A     I've seen him around the capitol, around  
14    the political scene.

15          Q     Was there any particular bills that were  
16    pending when he came down?

17          A     No, sir.

18          Q     Do you -- are you familiar with a bill  
19    that was pending this last session -- and I can't  
20    read this letter -- which is marked as number item  
21    number -- produced by the Tobacco Institute. All of  
22    these numbers will be Tobacco Institute numbers for  
23    the purposes of the deposition, 6214. Have you had  
24    a chance to look at that?

25          A     I can't read it.

1 Q It's House Bill 785.

2 A I've got the number.

3 Q I can't read it all myself.

4 A Then House Bill 1691. Those do not ring a  
5 bell with me.

6 Q Let me show you document 6215, which is  
7 Ellis Bodron from Bill Callahan. Do you know him --  
8 Ben Callahan. Do you know him?

9 A No.

10 Q And Ron Morris. Look at that and see if  
11 you can tell. House Bill 785 appears on there also.

12 A What is your question on, sir?

13 Q Does that refresh your memory as to what  
14 bill that might or might not be?

15 A No, sir.

16 Q Did you not do any reporting like this for  
17 Philip Morris? You see how Mr. Bodron reports by  
18 letter reports. You didn't do that for Philip  
19 Morris?

20 A We do submit bills and numbers and short  
21 titles that I think they would have an interest in.

22 Q Do you give letter reports to them?

23 A No, sir.

24 Q You do not?

25 A Maybe just a brief little list, the

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1 following list of bills have been introduced.

2 MR. HELMS: Crymes, could I see 6215,  
3 please.

4 MR. PITTMAN: Sure.

5 BY MR. PITTMAN:

6 Q Who was the lobbyist for R. J. Reynolds  
7 here in Mississippi?

8 A I do not know.

9 Q Have you ever done any work for them?

10 A No, sir.

11 Q Let me show you a memo concerning the  
12 ADAMHA law which is item 6233 and ask you to look at  
13 that, please, sir.

14 A I'm not familiar with that.

15 Q Are you familiar with any changes that  
16 were made in the law at the request of R. J.  
17 Reynolds?

18 A No, sir.

19 Q Did that law pass in '94? Is that right?

20 A I believe it was.

21 Q I have a document that's been produced to  
22 me which is our new registration statement forms  
23 that have to be filed today. I believe it started  
24 in -- it started in '94, I believe. This is a  
25 letter from Ellis Bodron to Ron Morris. If you'll

1 just take a look at that please, sir, real quickly.  
2 Just so I understand something, I want to ask you  
3 about it. You see what I'm talking about. It's a  
4 standard form one like you -- that has to be filed  
5 by you with Philip Morris, and they sign one for you  
6 and so forth. I believe there's another form that  
7 you have filed at a later date which says how much  
8 money that you have earned or spent -- is that  
9 correct -- in addition to this form?

10 A There is a form that we have --

11 Q That you file?

12 A -- to file this month.

13 Q All lobbyists file.

14 A Correct. I think it kicked in in '95  
15 rather than '94. This would be the first year at  
16 the end of January I'm thinking that we'll have to  
17 file a report on the spending.

18 Q Okay. Let me also show you item 6277  
19 first. The prior item was 6270 through 62- --

20 MR. HELMS: 76 probably.

21 MR. PITTMAN: Yeah.

22 A I have no knowledge of this.

23 BY MR. PITTMAN:

24 Q Pardon?

25 A I have no knowledge of this. The only two

1 names I recognize is Ellis Bodron and Ron Morris.

2 Q Do you know anything -- were you asked --  
3 I'm not saying that you know about this memorandum,  
4 but were you asked to do anything with regard to  
5 OSHA letters, to write a letter to OSHA or anything  
6 like that?

7 A No, sir.

8 Q You don't even know what that's about?

9 A No, sir.

10 Q All right. I'm going to show you a  
11 campaign contribution check dated in April of '94  
12 and ask you to look at that, please, sir. As I  
13 understand, all of these people are -- are these all  
14 legislators, as far as you know, for Mr. Bodron?

15 MR. HELMS: That's 6278?

16 MR. PITTMAN: Yes.

17 A Yes, sir.

18 BY MR. PITTMAN:

19 Q What election -- legislative election was  
20 going on in '94 that you know about?

21 A None that I know of. Of course, that  
22 doesn't mean anything. They are having fundraisers  
23 almost daily.

24 Q Did you contribute to these people also on  
25 behalf of Philip Morris or do you know?

1           A     I could have. You know, we went over all  
2 of those previously, all that I had records of.

3           Q     Okay.

4           A     They are all familiar names.

5           Q     I'm going to show you a document being  
6 6284 and ask you to look at that.

7           A     It doesn't mean anything to me.

8           Q     Does that seem to refer to the ADAMHA  
9 bill?

10          A     The word "advertising" I would say that --

11          Q     See where it says, "Add fine instead of  
12 jail time for penalties"?

13          A     "Add penalty section for fines instead of  
14 jail." I would say that's --

15          Q     I wonder if those are the R. J. Reynolds'  
16 suggested amendments.

17          A     I wouldn't have any idea.

18          Q     You wouldn't know?

19          A     No, sir.

20          Q     So apparently the original bill, 1268,  
21 didn't allow for fines. It had jail times instead  
22 of fines, and the Tobacco Institute apparently  
23 wanted to have an alternate fine provision. Is that  
24 correct?

25                   MR. HELMS: Objection. Calls for

1 speculation.

2 A I do not remember whether it had one or  
3 both.

4 BY MR. PITTMAN:

5 Q Let me show you a letter dated  
6 December 1st, 1993, and ask you to look at that.

7 MR. HELMS: That's 6285 through 6300.

8 A It's the first time I've ever seen that  
9 item. I don't know who those names are.

10 BY MR. PITTMAN:

11 Q Henry Turner is your immediate supervisor,  
12 though, is he not?

13 A Yes, sir.

14 Q And it says, "I'm confident you and our  
15 lobbying team." You were interested in that bill,  
16 weren't you?

17 A Yes, sir.

18 Q And you and Ellis Bodron would have been  
19 working together to pass the bill that the Tobacco  
20 Institute wanted and Philip Morris wanted, were you  
21 not?

22 A I did work on it, yes, sir.

23 Q And what committee did that go to in the  
24 House?

25 A I don't know. Steve Holland was the



1 author.

2 Q Can you think of what committee it went  
3 to?

4 A Some of them have gone to judiciary, some  
5 of the issues of that nature. It could have been in  
6 public health and welfare, but it doesn't sound like  
7 it would be a public health and welfare piece of  
8 legislation.

9 Q Can you recall who was the chairman of the  
10 committee? Maybe you can recall it that way.

11 A No. If I knew the committee, I could tell  
12 you the chairman.

13 Q Who did you talk to in the legislature  
14 about this bill?

15 A I was pretty much behind the scenes in  
16 this bill. I did have some work on it on the Senate  
17 side, but I don't remember exactly who it was.

18 Q Who did it go to in the Senate side? What  
19 committee?

20 A I think it was the judiciary.

21 Q Who was chairman of judiciary at that  
22 time?

23 A I'm pretty sure it would have been Hainon  
24 Miller.

25 Q

**REDACTED**

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A

Q I should say Senator Miller instead of Hainon. Did you know about these bills of the various states that were sent to Ellis Bodron?

A No, sir.

Q Did Senator Bodron take the lead on this bill as far as lobbying was concerned?

A Pretty much.

Q

**REDACTED**

A

Q That's what I understand. What about -- who is representing the Tobacco Institute? Do you know?

A I think they are in the process of interviewing for a new lobbyist now.

Q Are you interviewing with them?

A No, sir.

MR. HELMS: I'm not either.

A I think my name was on the list, but I was eliminated real quick.

BY MR. PITTMAN:

Q Do you know what the -- what was your

1 understanding of what Philip Morris was trying to  
2 accomplish or Tobacco Institute was trying to  
3 accomplish with the ADAMHA bill in Mississippi?

4 A The bill itself entitled the state either  
5 to continue or to receive federal highway funds.  
6 That was the state's interest. Philip Morris'  
7 interest was to eliminate or -- not eliminate but  
8 have control over the access of tobacco products to  
9 minors. That was my charge, so to speak.

10 Q So have control over -- what do you mean  
11 by that?

12 A Well, to limit or annihilate or stop  
13 teenagers from being able to obtain tobacco  
14 products.

15 Q Who was to have control over it?

16 A Sir?

17 Q Who was to have control over it?

18 A This legislation, I think, put it under  
19 the Department of Public Safety.

20 Q Go ahead. What, now?

21 A When you say "control," my understanding  
22 is the Department of Public Safety, I guess, would  
23 have the control because they were to do reports is  
24 what was in the law.

25 Q Well, did you understand that in

1 Mississippi -- it was necessary that Mississippi  
2 pass a law regulating the sale of tobacco products  
3 to minors and how they were to be sold and so forth?  
4 That was part of the requirement?

5 A Highway funding?

6 Q Yes, sir.

7 A I think you're pretty much correct on  
8 that.

9 Q And I believe your charge was to pass a  
10 bill that your client felt would be fair to them, so  
11 to speak?

12 A I personally thought it was an  
13 accomplishment on my part to help pass the bill that  
14 would, you know, limit or stop the sale of tobacco  
15 products to minors.

16 Q That had to be done, didn't it? Wasn't  
17 that a requirement?

18 A It was a condition, as I said earlier, to  
19 continue to receive or to receive federal highway  
20 funds.

21 Q That was going to be done or else we would  
22 lose our highway funding.

23 A Of course, we have had many pieces of  
24 legislation in the past.

25 Q And so what you wanted to do was pass a

1 bill that would suit your client, so to speak, and  
2 still restrict access to minors.

3 A Well, when you say "suit my client," I  
4 don't understand what you're saying.

5 Q I mean, to fit your client's desires or  
6 needs.

7 A My instructions were and I was led to  
8 believe that's what their interest was to limit the  
9 access of tobacco products to minors.

10 Q Well, I know; but we just got through  
11 saying Mississippi had to do that, as I understand  
12 it. Is that right?

13 A That's my understanding.

14 Q Okay. So we know that that's going to be  
15 done. So why would they even need you, then, if  
16 that's all the bill was going to do?

17 A I guess to make sure it got passed.

18 Q Mississippi was going to pass that. The  
19 legislature wasn't going to lose their highway  
20 funds, were they?

21 A Probably not, not desirous of doing it.

22 Q So you had other goals besides just that  
23 with regard to this bill, didn't you?

24 A It was goals to limit the access.

25 Q Not just to limit the access but to make

1 it --

2 A The two of them.

3 Q You wanted weak penalties, didn't you?

4 A Not necessarily. I didn't get involved in  
5 that area. I was involved in the vending machine  
6 aspect of it by the line of -- being in the line of  
7 sight of the clerk.

8 Q What did you want in the way of vending  
9 machines? What did you want in the bill regarding  
10 vending machines?

11 A As I stated, put it in the line of sight  
12 of the clerk so that they would be responsible for  
13 preventing teenagers from buying out of the vending  
14 machines.

15 Q Now, tell me this: What -- did you help  
16 draft the bill?

17 A No, sir.

18 Q Who drafted the bill?

19 A I do not know.

20 Q Do you know if Philip Morris had any input  
21 in drafting the bill?

22 A Not to my knowledge. I would say probably  
23 a draftsman on the House staff did it, drafting  
24 person.

25 Q Was any language suggested by the tobacco

1 industry, to your knowledge?

2 A Not from Philip Morris.

3 Q Not from Philip Morris. What about  
4 regarding vending machines?

5 A None suggested, no, sir, to my knowledge.

6 Q Who else worked for the tobacco industry  
7 on this bill besides you and Ellis Bodron?

8 A Beth Clay.

9 Q Who did she represent?

10 A Smokeless tobacco.

11 Q Anyone else?

12 A None that I know of.

13 Q Okay.

14 MR. PITTMAN: Excuse me just a second.

15 (Short Pause)

16 BY MR. PITTMAN:

17 Q Let me show you a document 6301 through  
18 6309 called ADAMHA, and it's an issue brief and some  
19 other documents in there. But let me ask you if  
20 you've ever seen this document before, to your  
21 knowledge. It appears to be a summary of ADAMHA  
22 saying what the states have got to do and some of  
23 the positions of the various states in this regard.

24 A No, sir, not to my knowledge. None of  
25 these names are familiar to me.

1 Q Did you -- in 1993, did you work with  
2 Ellis Bodron on the same side with product  
3 liability -- on the so-called product liability and  
4 punitive damages bill, or do you recall?

5 A I do not recall working -- I'm pretty sure  
6 I didn't work with him. I had limited involvement  
7 in that.

8 Q I believe that Senator Bodron not only  
9 represented the Tobacco Institute, didn't he  
10 represent the pharmaceutical people also?

11 A At one time, yes, sir.

12 Q And that goes way back, I think, when he  
13 first started in that area.

14 A Yes, sir.

15 Q Are you familiar with the unfunded assist  
16 proposal?

17 A No, sir.

18 Q Do you even know what that is?

19 A I do not.

20 Q Do you know what the Mississippi assist  
21 project was?

22 A No, sir.

23 Q Are you familiar with this bill right  
24 here, Senate Bill 2310?

25 MR. HELMS: That's TIMS 6319 through 6321



1 MR. PITTMAN: I believe it's 6322 on the  
2 back.

3 A I think -- I'm sure I read the short title  
4 when it came out in '93.

5 BY MR. PITTMAN:

6 Q Did that bill pass or not, or do you know?

7 A I do not know.

8 Q Did you work on that bill at all?

9 A No, sir.

10 MR. HELMS: What was your answer to the  
11 previous question when he said do you know if it  
12 passed?

13 A I do not know if it passed.

14 BY MR. PITTMAN:

15 Q Did you and Senator Bodron ever consult  
16 over who to support or not support by way of  
17 legislators in the way of contributions to  
18 legislators?

19 A No, sir.

20 Q Are you familiar at all with who Senator  
21 Bodron tried to raise money for or get money for on  
22 behalf of his clients?

23 A No, sir.

24 Q Have you worked on any tax bills on behalf  
25 of Philip Morris?

1 A Normal excise taxes.

2 Q Have you generally been opposed to any  
3 increases in those taxes?

4 A By and large.

5 Q Do you know of any that you have  
6 supported?

7 A No, sir.

8 Q Do you know why Philip Morris is opposed  
9 to increasing excise tax on cigarettes?

10 A No, sir.

11 Q Prior to the ADAMHA legislation, had there  
12 been bills in the Mississippi legislature trying to  
13 restrict access to tobacco products for minors?

14 A Not that I'm familiar with.

15 Q You were not familiar with any of those  
16 prior to the ADAMHA bill?

17 A Not right offhand.

18 MR. HELMS: You need to make sure that you  
19 let him finish his question before you answer so  
20 that she can take down both his question and your  
21 answer.

22 BY MR. PITTMAN:

23 Q Let me show you a letter dated July 29,  
24 1991, being 6372 through 6374 generated to Ron  
25 Morris from Ellis Bodron. Let me let you take a

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1 look at that. Are you familiar at all with that, a  
2 meeting sponsored by the Mississippi State Tax  
3 Commission in '91?

4 A No, sir.

5 Q And that contributions -- do you know what  
6 Philip Morris contributed there?

7 A No.

8 Q You don't know what they are talking about  
9 or Senator Bodron is talking about in that letter?

10 A No, sir.

11 Q Okay. Let me show you item 6312  
12 concerning the Unfunded Assist Proposal which you do  
13 not know about -- which you said you didn't know  
14 about what that meant, but let me show you  
15 paragraph 2. Have you looked at this before under  
16 lobbying?

17 A No, sir.

18 Q All right, sir. Isn't it -- it says,  
19 "Weak laws in enforcement of legislature." Do you  
20 see that sentence that says, "Efforts have been made  
21 each year since 1986 to pass legislation prohibiting  
22 smoking in public places, all of which have been  
23 unsuccessful." Are you familiar with those bills?

24 A Not all of them. I'm aware that bills of  
25 that nature have been filed.

1 Q And --

2 A And --

3 Q And on behalf of Philip Morris, have you  
4 lobbied against those bills?

5 A Those bills, to my knowledge, never even  
6 made it out of committee.

7 Q What committee did they go to? Public  
8 health?

9 A Public health and welfare, as a rule.

10 Q Who has been chairman of public health and  
11 welfare, if you know, in the House in, say, this  
12 term and the term before?

13 A Representative Bobby Moody from  
14 Louisville.

15 Q And it's never made it out of his  
16 committee?

17 A Well, when you say "his committee," no.  
18 But as a rule, those bills would be put into a  
19 subcommittee.

20 Q Who has been the subcommittee chair that  
21 they have gone to, if you know?

22 A I'm not familiar with that.

23 Q Even if they have gone to a subcommittee,  
24 obviously the chairman from a practical standpoint  
25 has a lot of discretion over which subcommittee he

1 thinks he can get it out of and which one he can't,  
2 doesn't he?

3 A I would say you're correct.

4 Q And Bobby Moody has received  
5 contributions, has he not, from Philip Morris  
6 before? Hasn't he been on your contribution list?

7 A I think he has.

8 Q What about in the Senate? Who's chairman  
9 of the public health committee?

10 A At the present time.

11 Q Yes.

12 A Senator Jim Bean.

13 Q Prior to Senator Bean, who was chairman?

14 A Senator Dick Hall. Prior to that, Senator  
15 Huggins.

16 Q Do you know if those bills have gone to  
17 those committees in the Senate side or do you know  
18 if they just are House filed bills?

19 A These are House filed bills, I'm pretty  
20 sure.

21 Q Do you know if those same bills were filed  
22 in the Senate or not?

23 A I do not know.

24 Q At any rate, if they were, you were mainly  
25 keeping up with them on the House side, would that

1 be fair to say, through Representative Moody's  
2 committee?

3 A Yes, I would say that's correct.

4 Q Do you work more on the House side or  
5 Senate side yourself?

6 A I've kind of been tagged as a House man  
7 through the years, but I have other clients that  
8 have issues in those committees also.

9 Q Have there also been bills to regulate  
10 smoking to minors prior to the ADAMHA bill? I may  
11 have asked you that in another manner. Do you know?

12 A Not to my knowledge.

13 Q I believe that -- so that the record is  
14 clear with regard to all of these documents, I just  
15 want to point this out by you as -- and I think  
16 court can take judicial notice of it, but I want to  
17 point it out by you. I believe we had elections in  
18 '91 and '92 as a result of redistricting. Isn't  
19 that correct?

20 A I think you're correct.

21 Q When I say "elections," I'm talking about  
22 legislative elections.

23 A Yes, sir.

24 Q Look at a letter dated -- document number  
25 6380, 6381. I particularly want you to look at the

1 first page -- well, look at both pages. Look at  
2 both of those. Look at that letter and those bills  
3 referred to in that letter. Are you familiar with  
4 the bills that are referred to in that letter?

5 A Yes, sir.

6 Q All right. One was an excise tax  
7 increase. Is that correct?

8 A Correct.

9 Q And I believe that did pass the Senate,  
10 did it not -- it did pass the legislature, did it  
11 not?

12 A I'm not sure.

13 Q You're not sure?

14 A No, sir.

15 Q What was House Bill 87? The protective  
16 order bill. Do you know what that is?

17 A No, sir. Does that -- is that the same as  
18 he's referring to about the nonsmoking hours?

19 Q Died in committee, and all the smoking  
20 restrictions and sale restrictions bills also died  
21 in committee.

22 A I'm not familiar with that contents of  
23 that bill number.

24 Q And then employees prohibited from smoking  
25 during nonworking hours, did that bill -- was that

1 bill -- did you oppose that bill or support -- you  
2 supported that bill?

3 A We supported the bill known as the privacy  
4 act. Whether that's the same one or not --

5 Q I understand that it is.

6 A Yes, sir.

7 Q And you would have been -- when I say --  
8 you would have been lobbying on behalf of Philip  
9 Morris against any smoking restrictions bills,  
10 wouldn't you?

11 A Not necessarily only Philip Morris. I  
12 also represented the Mississippi Restaurant  
13 Association, and at one time I represented the  
14 convenience stores.

15 Q All right. Would you have been opposed to  
16 it for all of those people also?

17 A Yes, sir.

18 Q Who was the head of the restaurant  
19 association when you worked for them? Do you  
20 recall?

21 A The executive director?

22 Q Yes, sir.

23 A I think I worked under about five  
24 different ones.

25 Q Who were they, if you recall?



1           A     Judy Shute; Bob Wilson, who is there now,  
2 short period of time; Emily Jones. There's a couple  
3 of more I worked under. I don't recall their names.

4           Q     Do you still represent them?

5           A     No, sir.

6           Q     Who represents them now, if you know?

7           A     Andy Taggart, Bucky Murphy and Steve  
8 Dixon.

9           Q     How long have they represented them?

10          A     Almost a year now. I think maybe in April  
11 of '96 when I was separated.

12          Q     And you're saying the restaurant  
13 association was opposed to restricting smoking in  
14 restaurants?

15          A     Their position, I think, would be summed  
16 up to let each individual restaurateur decide what  
17 areas, if they were going to have smoking and  
18 nonsmoking areas.

19          Q     At any rate, your opposition to these  
20 bills would have been -- whether the restaurant  
21 association or Philip Morris would have been the  
22 same position. Is that correct?

23          A     I wouldn't say that would be necessarily  
24 the case.

25          Q     Well, let's go back and look at them one

1 more time and let me ask you that so I'll understand  
2 what we're talking about. By the way, I found out  
3 that House Bill 87 is prohibited concealment of  
4 public hazards and court records. I don't know what  
5 the bill says or said. Do you recall that bill?

6 A No, sir.

7 Q I don't either. The bill on smoking  
8 restrictions, that was opposed by both Philip Morris  
9 and the restaurant association. Is that correct?

10 MR. HELMS: Which bill?

11 MR. PITTMAN: The bill -- that protective  
12 order bill.

13 MR. HELMS: The one --

14 MR. PITTMAN: That I referred to earlier  
15 that you said you represented different clients at  
16 that time.

17 MR. HELMS: I'm sorry --

18 A I think that's a different bill, isn't it?

19 MR. HELMS: I'm sorry. Again for the  
20 record, he's looking at document 6380. Go ahead.

21 A Did you not say that HB87 was --

22 BY MR. PITTMAN:

23 Q Yeah, this is a different bill from HB 87.  
24 I found what HB 87 was that we talked about earlier.

25 MR. HELMS: I'm sorry. What's the

1 question?

2 A He's asking me about the restriction from  
3 smoking.

4 MR. HELMS: The public places?

5 BY MR. PITTMAN:

6 Q That would have been opposed by Philip  
7 Morris, wouldn't it?

8 A Mainly the restaurant association was my  
9 charge there.

10 Q And who was head of the restaurant  
11 association, executive director at that time?

12 A I think Emily Jones was.

13 Q Who was the president, if you recall?

14 A I do not recall for sure, but I think Bill  
15 Latham was.

16 Q Bill Latham?

17 A Yes, sir.

18 Q Now, let's talk about a bill, House Bill  
19 1265, sponsored by Charlie Williams apparently. Is  
20 that Charlie Williams, do you know that -- look at  
21 the number at the bottom. Identify the document,  
22 please.

23 A 6387.

24 Q Yes, sir. Do you see the top bill there?  
25 It says Williams, and I assume that's the sponsor,

1 House Bill number. Would that be Charlie Williams?

2 A I would assume that it is.

3 Q Is there another Williams in the House  
4 besides Charlie?

5 A There has been in years past, Kenneth  
6 Williams. I don't know what year.

7 Q 1991.

8 A Kenneth could have been there at that  
9 time.

10 Q Is that that privacy act that you're  
11 talking about?

12 A It appears to be.

13 Q All right. Did you support that  
14 legislation?

15 A Yes, sir.

16 Q And by "you," I'm talking about you on  
17 behalf of Philip Morris.

18 A And other clients.

19 MR. PITTMAN: Off the record.

20 (Off Record)

21 BY MR. PITTMAN:

22 Q Let me let you look at document 6396, and  
23 do you see there HB 322, the last bill on that page?

24 A The bill number doesn't ring a bell with  
25 me.

1 Q Do you see what the bill is about?

2 A This it here -- I am sorry. I was reading  
3 the bottom part. What year was that? '91? John  
4 Reeves.

5 Q That would have been before the ADAMHA  
6 legislation, would it not?

7 A Yes, sir.

8 Q That would have been a bill --

9 A '94.

10 Q It's apparent from that that the Tobacco  
11 Institute is opposing that bill, isn't it?

12 A I would think so. He was no doubt  
13 tracking it and reporting on it.

14 Q Yes, sir. And did you oppose this bill on  
15 behalf of Philip Morris?

16 A I don't even remember the bill. I'm sure  
17 I reported it.

18 Q Do you recall opposing it?

19 A No, sir.

20 Q At any rate, the Tobacco Institute was  
21 then opposing these -- a bill regulating the sale of  
22 cigarettes to minors, weren't they?

23 MR. HELMS: Objection. Calls for  
24 speculation.

25 BY MR. PITTMAN:

1 Q Apparently that's true, isn't it? You  
2 know that as well as I do, don't you?

3 A I didn't make the report, sir.

4 Q I know. But you know that. You did that  
5 for Philip Morris, didn't you? You opposed that  
6 bill.

7 A I do not even remember that bill.

8 Q If we went back and deposed some of the  
9 legislature, they would tell us who opposed it and  
10 who didn't, wouldn't they?

11 A You have to understand, a lot of these  
12 bills never even have hearings. So when you say..  
13 oppose them --

14 Q The point I'm making is --

15 A I am sure in principle I would have.

16 Q Philip Morris really wasn't interested in  
17 a bill regulating the sale of cigarettes to minors  
18 until they had to be. Isn't that right?

19 A That would be speculation on my part.

20 Q In fact, they wanted to sell all the  
21 cigarettes they could. They would start selling to  
22 infants if they could, wouldn't they?

23 A I don't think so. That's not been my  
24 impression, sir.

25 Q It's been mine.

1 MR. HELMS: Not mine.

2 BY MR. PITTMAN:

3 Q Let me show you a bill -- let's see. It's  
4 part of a report dated -- it appears to be undated,  
5 and let me be sure. House Bill on -- it appears --  
6 I'm sorry. I found the date. It's typed  
7 January 2nd, 1991, referring to House Bill 89, and  
8 that's document 6399. The entire document is 6397  
9 through 6400. Look at a bill introduced by  
10 Representative Reeves, which will be the first bill  
11 reported. Are you familiar with that bill?

12 A No, sir.

13 Q Do you know whether or not you opposed  
14 that bill --

15 A No, sir.

16 Q -- to increase the penalty for illegal  
17 sale of tobacco to children under the age of 18? Do  
18 you know whether you opposed it or not?

19 A I do not recall.

20 Q One way or the other you don't recall?

21 A I would not have any reason to oppose it.

22 Q When I say "you," I'm talking about on  
23 behalf of Philip Morris.

24 A That's what I mean.

25 Q Isn't it true in the bill that passed, the

1 ADAMHA bill that passed, the tobacco industry was  
2 interested in having small penalties rather than  
3 large penalties for violating that section or  
4 violating that act?

5 A Apparently from what you have shown me,  
6 but I was not instructed.

7 Q You were not involved in that?

8 A No, sir.

9 Q I mean, the fine -- minimum fine is like  
10 \$25 -- \$20, maximum fine of \$100 or something like  
11 that.

12 MR. HELMS: Could we take a break.

13 (Off Record)

14 BY MR. PITTMAN:

15 Q Were you on the product liability task  
16 force in 1990, to your knowledge?

17 A No, sir.

18 Q Are you familiar with a funding proposal  
19 to eliminate the tobacco vendor rebate for complying  
20 with the law for affixing tax stamps to tobacco  
21 products, the jobber rebate?

22 A Legislation?

23 Q Legislation in 1990 apparently, funding  
24 mechanism.

25 A No, sir.



1 Q Are you familiar with that at all, jobber  
2 rebate they call it, I think? You don't know  
3 anything about that?

4 A No, sir.

5 MR. HELMS: You need to speak up so that  
6 she can hear.

7 A No, sir.

8 BY MR. PITTMAN:

9 Q In 1990 Senator Bodron attended a meeting  
10 in Washington, D.C., at the offices of Covington and  
11 Burling, a law firm in Washington, to discuss a  
12 product liability situation. Did you go to that  
13 meeting in May of 1990?

14 A I have attended one meeting in Washington,  
15 but I cannot say that that was the particular  
16 meeting.

17 Q It apparently was held at their offices,  
18 and Senator Bodron stayed at the Marriott Hotel.  
19 Are you familiar with that at all?

20 A Like I said, I have attended one meeting  
21 in Washington where Bodron was there.

22 Q You don't know -- did that involve the  
23 product liability bill?

24 A The meeting I attended I think that was  
25 it, the purpose.

1 Q Let me show you a document 6531 which is  
2 part of several -- first of several bills from the  
3 Mississippi legislature which carries through 6536..  
4 What is the date of that letter?

5 A May 31, 1989.

6 Q Did you represent Philip Morris at that  
7 time?

8 A I'm not sure, sir. Like I said earlier, I  
9 either came on in '89 or '88. I don't remember  
10 exactly what year.

11 Q When you say you came on, do you remember  
12 that particular bill, the one --

13 MR. HELMS: Which one?

14 BY MR. PITTMAN:

15 Q I have to look at it. House Bill 68  
16 sponsored by Representative Denny.

17 A To say that I'm familiar with that  
18 particular bill -- Representative Denny has put in,  
19 I think, several bills of this nature.

20 Q Let me show you -- as you can see, item  
21 number 1 is the areas of traditional concern of  
22 tobacco industry being taxation and use restriction.  
23 Do you agree with that, that those are of  
24 traditional concern in the tobacco industry since  
25 you've --

1 A I --

2 MR. HELMS: I'm sorry. Let him finish the  
3 question and let me make my objection.

4 BY MR. PITTMAN:

5 Q Do you consider taxation and use  
6 restriction to be traditional areas of concern in  
7 the tobacco industry since you have represented  
8 them?

9 MR. HELMS: Objection. That  
10 mischaracterizes the facts in the record because he  
11 hasn't represented the industry but calls for  
12 speculation.

13 BY MR. PITTMAN:

14 Q Since you've represented Philip Morris.

15 MR. HELMS: Calls for speculation as to  
16 anyone other than Philip Morris.

17 BY MR. PITTMAN:

18 Q You can answer the question, if you know  
19 the answer.

20 A Restate your question, sir.

21 BY MR. PITTMAN:

22 Q Since you've represented Philip Morris, do  
23 you agree that the areas of taxation and use  
24 restriction are areas of traditional concern to the  
25 tobacco industry?

1 MR. HELMS: Again calls for speculation as  
2 to the industry as a whole.

3 A On behalf of Philip Morris I would say  
4 that that would be concerns.

5 BY MR. PITTMAN:

6 Q Let me read you Senator Bodron's comment,  
7 the first two paragraphs of page 6533, the first two  
8 paragraphs there.

9 MR. PURDIE: Which paragraphs do you want  
10 him to read from?

11 MR. PITTMAN: The first two paragraphs of  
12 that.

13 MR. HELMS: That would be this one and  
14 this one.

15 A Right. What was your question, sir?

16 BY MR. PITTMAN:

17 Q I'd ask you to review those. Do you agree  
18 with those comments as far as paragraph 2 is  
19 concerned at that time? Did you agree with those  
20 comments, if you can recall?

21 MR. HELMS: What again was the date on it?

22 MR. PITTMAN: May 31st, 1989.

23 A I do not recall.

24 BY MR. PITTMAN:

25 Q Do I understand from this that the Tobacco

1 Institute and Philip Morris in conjunction with the  
2 Tobacco Institute were opposed to any smoking  
3 restriction regulations?

4 MR. HELMS: Objection. Calls for  
5 speculation as to the intent -- let me finish.  
6 Speculation as to the intent of the author of this  
7 document and as to the Tobacco Institute, but go  
8 ahead and answer if you're able to do it.

9 A I'm not familiar with it, have no  
10 knowledge of it.

11 BY MR. PITTMAN:

12 Q Let me show you item 2, smoker's rights  
13 legislation. Do you see that?

14 MR. HELMS: That's down here.

15 BY MR. PITTMAN:

16 Q That same page, same document page where  
17 Senator Bunky Huggins introduced a bill on behalf of  
18 the tobacco industry. Do you understand that?

19 A That relates back to the privacy  
20 legislation, I would think.

21 Q Are you familiar with that bill?

22 A No.

23 MR. HELMS: You mean with the privacy  
24 bill?

25 A I am with the privacy but not with that

1 particular --

2 MR. HELMS: The one that the document --  
3 which one are you --

4 A I don't remember the bill.

5 BY MR. PITTMAN:

6 Q I'm talking about the resolution, I should  
7 say.

8 A No, sir, I'm not familiar -- I do not  
9 recall that resolution.

10 Q Do you know Sam Witt?

11 A No, sir.

12 Q Do you know Richard Keenum?

13 A No, sir.

14 Q Let me show you document 6537, which is  
15 the resolution referred to that Senator Huggins  
16 promoted.

17 A I do not recall that resolution, sir.

18 Q I take it you didn't represent any tobacco  
19 people in 1987. Is that right?

20 A That's correct.

21 Q No tobacco --

22 A Not to my knowledge.

23 Q No tobacco companies or tobacco interests?

24 A No, sir.

25 Q You're not familiar with the so-called

1 clean indoor air bills back in 1987, are you?

2 A No, sir.

3 MR. PITTMAN: I don't have any other  
4 questions at this time. We have a lot of  
5 legislative bills that I have not looked at. If it  
6 becomes necessary, I may request to ask you some  
7 more questions because of that.

8 MR. HELMS: Crymes, I have one question I  
9 want to ask him.

10 MR. PITTMAN: Certainly.

11 MR. HELMS: Just so the record is clear.

12 **EXAMINATION**

13 BY MR. HELMS:

14 Q Mr. Medlin, have you ever lobbied against  
15 any bill in the Mississippi legislature that would  
16 impose restrictions or restrict the access of minors  
17 to tobacco products?

18 A Have I -- restate your question, please.

19 Q Can you read it back for him, please.

20 (Question Read)

21 A No, I'm sorry. I missed the against.

22 BY MR. HELMS:

23 Q What's the answer?

24 A No.

25 MR. HELMS: That all I've got.

## FURTHER EXAMINATION

BY MR. PITTMAN:

Q Are you absolutely certain you have not  
opposed any of those bills?

A Not to my knowledge.

MR. PITTMAN: That's all.

(Deposition Concluded at 3:20 p.m.)

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## CERTIFICATE OF REPORTER

I, CHERIE GALLASPY BOND, Registered  
Merit Reporter and Notary Public in and for  
the State of Mississippi, do hereby certify that  
the above and foregoing pages contain a full, true  
and correct transcript of the proceedings had in  
the aforementioned case at the time and place  
indicated, which proceedings were recorded by me  
to the best of my skill and ability.

I also certify that I placed the witness  
under oath to tell the truth and that all answers  
were given under that oath.

I certify that I have no interest,  
monetary or otherwise, in the outcome of this  
case.

This the 14th day of January, 1997.

*Cherie S. Bond*

CHERIE GALLASPY BOND  
CSR #1012

My Commissions Expires:

October 2, 1998

## CERTIFICATE OF DEPONENT

I, BUDDY MEDLIN, do hereby certify that the foregoing testimony is true and accurate to the best of my knowledge and belief, as originally transcribed, or with the changes as noted on the attached Correction Sheet.

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BUDDY MEDLIN

Subscribed and sworn to before me  
this the \_\_\_\_\_ day of \_\_\_\_\_, 1997.

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Notary Public

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